

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

CHILDREN’S HEALTH DEFENSE,)
ROBERT F. KENNEDY, JR., TRIALSITE,)
INC., CREATIVE DESTRUCTION)
MEDIA, LLC, ERIN ELIZABETH FINN,)
JIM HOFT, DR. BEN TAPPER, BEN)
SWANN, DR. JOSEPH MERCOLA, TY)
BOLLINGER & CHARLENE)
BOLLINGER,)

Plaintiffs,

v.

WP COMPANY LLC D/B/A THE)
WASHINGTON POST, THE BRITISH)
BROADCASTING CORP., THE)
ASSOCIATED PRESS, & REUTERS,)

Defendants.

Civil Action No. 2:23-cv-00004-Z

**THE ASSOCIATED PRESS, REUTERS NEWS & MEDIA INC.,
AND WP COMPANY LLC’S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), the Associated Press, Reuters News & Media Incorporated, and WP Company LLC d/b/a The Washington Post (collectively, “Defendants”) request this Court dismiss Plaintiffs’ lawsuit for failure to state a claim upon which relief can be granted.

A brief in support of this motion, setting forth the argument and authorities upon which Defendants rely, is filed simultaneously under separate cover pursuant to Local Rule 7.1. The matters required under Local Rule 7.2 are set forth in the brief.

WHEREFORE, Defendants respectfully request the Court dismiss this case and the Court grant such other and further relief which Defendants may be entitled in law or in equity.

Dated: April 18, 2023

/s/ Leslie E. John

Leslie E. John (*pro hac vice*)
johnl@ballardspahr.com
Elizabeth P. Weissert (*pro hac vice*)
weisserte@ballardspahr.com
Kayla R. Martin (*pro hac vice*)
martinkr@ballardspahr.com
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
Tel: (215) 665-8500; Fax: (215) 864-8999

Jay Ward Brown (*pro hac vice*)
brownjay@ballardspahr.com
Ballard Spahr LLP
1909 K Street N.W., 12th Floor
Washington, D.C. 20006
Tel: (202) 661-2200; Fax: (202) 661-2299

Timothy C. Williams (SBN 24067940)
tim.williams@sprouselaw.com
Sprouse Shrader Smith PC
701 S Taylor Street, Suite 500
Amarillo, TX 79101
Tel: (806) 468-3346; Fax: (806) 373-3454

Attorneys for The Associated Press

/s/ Justina Sessions

Justina Sessions (*pro hac vice pending*)
jsessions@wsgr.com
Wilson Sonsini Goodrich & Rosati
One Market Plaza, 1 Market Street Suite 3300
San Francisco, CA 94105
Tel: (415) 947-2000; Fax: (650) 493-6811

Jeffrey C. Bank (*pro hac vice pending*)
jbank@wsgr.com
Wilson Sonsini Goodrich & Rosati
1700 K Street, N.W., 5th Floor
Washington, D.C. 20006
Tel: (202) 973-8800; Fax: (202) 973-8899

Respectfully submitted,

/s/ John E. Schmidtlein

John E. Schmidtlein (*pro hac vice*)
jschmidtlein@wc.com
Thomas G. Hentoff (*pro hac vice*)
thentoff@wc.com
Nicholas G. Gamse (*pro hac vice*)
ngamse@wc.com
Kathryn E. Garza (*pro hac vice*)
kgarza@wc.com
Williams & Connolly LLP
680 Maine Avenue, S.W.
Washington, D.C. 20024
Tel: (202) 434-5000; Fax: (202) 434-5029

Thomas C. Riney (SBN 16935100)
tom.riney@uwlaw.com
C. Jason Fenton (SBN 24087505)
jason.fenton@uwlaw.com
Underwood Law Firm, P.C.
500 S. Taylor Street, Suite 1200
Amarillo, TX 79101
Tel: (806) 379-5613; Fax: (806) 379-0316

Attorneys for WP Company LLC

David M. Russell (SBN 17409300)
david@srlawtx.com
Smithee & Russell, LLP
320 S. Polk Street, Suite 920
Amarillo, TX 79101
Tel: (806) 322-9200; Fax: (806) 322-9201

Attorneys for Reuters News & Media Inc.

CERTIFICATE OF SERVICE

The undersigned Counsel hereby certifies that on the 18th day of April 2023, notice of the foregoing pleading was provided via the CM/ECF system to the counsel of record. In addition, notice was provided via email to the following counsel.

Jed Rubenfeld
rubenfeldjed@gmail.com
1301 Forest Road
New Haven, CT 06515

/s/ John Schmidlein

John E. Schmidlein